



2/11/08

Docket No.: R2184.0258/P258
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshiyuki Sasaki

Application No.: 10/632,968

Confirmation No.: 4462

Filed: August 4, 2003

Art Unit: 2627

For: METHOD AND APPARATUS OF
RECORDING INFORMATION IN REDUCED
WAITING TIME

Examiner: G. Patel

REQUEST FOR RECONSIDERATION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Office Action dated November 9, 2007, where the specification is objected to. Reconsideration is respectfully requested. The objection is not understood. Although the Office Action, page 2, refers to 37 C.F.R. § 1.78 and M.P.E.P. § 201.11, those citations appear to be not applicable. 37 C.F.R. § 1.78(a) sets forth requirements for claiming the benefit of a prior-filed U.S. patent application. The present application does not claim the benefit of a prior-filed U.S. patent application, and the other subsections of § 1.78 are also not applicable to the objection. M.P.E.P. § 201.11 relates to applications that claim the benefit of an earlier filing date under 35 U.S.C. §§ 120/119(e). The present application does not claim the benefit of an earlier U.S. filing date under §§ 120/119(e). Please note that the specification of the present application was updated on October 23, 2007. The specification as amended is believed to be in proper form.

Claims 1, 2, 12 and 22 are provisionally rejected (not actually rejected) under the doctrine of obviousness-type double patenting, as being unpatentable over claim 18 of U.S.

Patent Application No. 11/280,208. Reconsideration is respectfully requested. The claims of the present application are patentably distinct from those of the '208 application for at least the reasons given on October 23, 2007. Moreover, Applicant is submitting herewith a Terminal Disclaimer with respect to the '208 application. The Terminal Disclaimer should obviate the provisional rejection, although it does not operate as or create any admission, acquiescence or estoppel on the merits of the rejection. See Ortho Pharmaceutical Corp. v. Smith, 959 F.2d 936, 941-42, 22 U.S.P.Q.2d 1119 (Fed. Cir. 1992). Accordingly, allowance of the present application is solicited.

Dated: February 11, 2008

Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 33,082

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-4742

Attorneys for Applicant